THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 20180 OF 2005

Dated 14th September 2005

Between:

O.R.Gopal S/o.Ranganna,

42 years, Conductor, APSRTC, Adhoni.

…Petitioner

And

The APSRTC, rep. by its Regional Manager,

Kurnool, & another.

…Respondents

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WRIT PETITION NO. 20180 OF 2005

ORDER:

The petitioner is employed as a Conductor in APSRTC. He was issued a charge sheet, dated 3.2.2000, alleging that tickets worth Rs.13,546/- were not accounted for by him, and he was required to show cause, as to why suitable action not be taken against him. The petitioner submitted his explanation, dated 21.3.2000. Thereafter,

the second respondent passed an order-cum-show-cause notice, dated 28-3-2000, imposing the punishment of stoppage of increment, for a period of one year, without cumulative effect, and proposing to recover a sum of Rs.7,546/-, towards the value of the missing tickets. The explanation of the petitioner, as to the latter, called for. Petitioner submitted his explanation, dated 17.5.2000, to it.

On the ground that the explanation submitted by the petitioner is not satisfactory, the second respondent passed an order dated 26.8.2000, directing for recovery of a sum of Rs.7,546/- towards the value of missing tickets, from the salary of the petitioner, at the rate of Rs.300/- per month. In the appeal preferred by the petitioner, the Deputy Chief Traffic Manager, while confirming the order of recovery of amount, modified the punishment of stoppage of increment, to the one of censure. The Petitioner challenges the same.

Learned counsel for the petitioner submits that it was not even the allegation of the Corporation that the petitioner had misused the tickets referred to in the notice, and the Service Rules clearly provide for recovery of printing and stationery charges alone, where any loss of tickets is found from a Conductor. He also placed reliance upon the judgment of this Court in ***CH.P.REDDY v. APSRTC, HYDERABAD.***

Learned Standing Counsel for the Corporation, on the other hand, submits that on account of the loss of ticket blocks in the hands of the petitioner, the Corporation had sustained huge loss, and it is not known as to whether the lost tickets have been used in any bus service.

The only allegation against the petitioner was that tickets worth Rs.7,546/- were lost in his hands. It was not alleged that he misused them, or that the tickets have been put to use in other service. The Operation Manual, as well as the Office Audit Manual of the Corporation, indicates that in the event of loss of tickets, the value thereof, need not be recovered from the Conductors, and at the most, the printing and stationery charges can be recovered. In ***CH.P.REDDY's*** case (supra)**,** this Court dealt with an identical situation, and after taking into account the various provisions having a bearing on the matter, it was held that it is only the printing and stationery charges that can be recovered, in the event of loss of tickets, not followed by any further allegation of misuse.

Following the same, the writ petition is allowed, and the impugned order is set aside. It is, however, left open to the respondents to recover the printing and stationery charges from the petitioner, for the tickets that were lost in his hands. Further, the respondents shall be entitled to recover a sum of Rs.300/- (three hundred only) from the petitioner, towards penalty, for being negligent in handling the tickets. This, however, shall not be treated, as a basis to withhold any service benefits, nor shall it have any effect on the emoluments and terminal benefits. There shall be no order as to costs.

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14th September 2005

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